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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,789

Applicant(s)

CASEY ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030702</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 36 is objected to because of the following informalities: The phrase "selects on the of the analysis reports" is grammatically incorrect, rendering it unclear as to what is being selected and what the term "on the of the" is referring to. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 5 and 6 recite the limitation "the inspection information". There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites inputting inspection results, it is unclear if the inspection results and the inspection information are one in the same.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClelland (6,707,879) in view of Moore (6,246,778).

8. With respect to Claims 1 and 2: McClelland discloses the use of a method of clearing a shipment of goods into a country (McClelland discloses the system can also be used for shipment of goods, Column 4, lines 17-24), comprising the steps:

- a. Receiving a client computer task list from a server computer (queue, Column 10, lines 31-52);
- b. Inspecting a shipment of goods corresponding to one of the tasks in the task list (Column 2, lines 46-62);
- c. Inputting inspection results into the client computer, as the location of inspection (Column 3, lines 1-17);
- d. Sending the inspection results from the client computer to the server computer (Column 4, lines 1-5, Column 5, lines 9-16).

9. McClelland discloses the use of sending and transmitting information, however fails to disclose the use of wireless communication. Moore discloses the use of field reader (figure 6),

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which is used at the border crossing and communicates using wireless communications (a product verification system that can be done at a border crossing, where at the verification side is a computer device, which communicates with the central system using wireless communications (See Column 24, lines 30-65, Column 26, lines 29-45). It would have been obvious to one having ordinary skill in the art to modify McClelland, to have the client computer be the field reader of Moore, in order to reduce the shipping of authentic goods to unauthorized points of final destination and to reduce the amount of contraband shipment (See Moore, Column 7).

10. With respect to Claim 3: McClelland discloses that each task corresponds to a shipment of goods that is to be inspected (Column 2, lines 46-62).

11. With respect to Claim 4: Moore, discloses the field computer is equipped with a camera (reference numeral 94), which photographs the goods, then stores the image in memory and associates the image with identifying information on the goods (See Column 24, lines 36-54)

12. With respect to Claim 5: McClelland discloses sending a communication to a device associated with an X-ray team based on inspection information (Column 4, lines 37-48).

13. With respect to Claim 6: McClelland discloses the step of sending a communication to one of a device associated with a customs inspector or a device associated with an import specialist based on inspection information (Column 11, lines 1-33).

14. With respect to Claim 7: Moore discloses the use of a plurality of field devices, which communicate with multiple host computers, therefore discloses the information is sent to a plurality of devices (Figure 1a, Column 25, line 53-58).

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15. With respect to Claim 8: McClelland further discloses the steps of accessing a research tool from the client computer and performing research corresponding to the shipment of goods (Column 7, lines 13-27).

16. With respect to Claim 9: McClelland further discloses the research tool comprises reports of trends of imported goods (Column 6, line 63 to Column 7 line 12).

17. With respect to Claim 10: McClelland discloses the research tool comprises an inspection look up function (Column 6, line 63 to Column 7, line 12).

18. With respect to Claims 11, 12, 22, 31, 38 and 39: McClelland discloses method, a computer or a portable device (312) comprising:

- e. A display screen (Reference numeral 312);
- f. A processing unit (Reference numeral 300);
- g. Memory for storing computer readable instructions that, when executed by the processor, cause the portable device to perform the steps of:
- h. Receiving a client computer task list, by the computer or portable device from a server computer (Column 12, lines 1-11), wherein each task corresponds to a shipment of goods (Column 10, lines 31-52);
- i. Displaying a task summary list on the display screen (queue, Column 10, lines 31-52);
- j. Displaying task information on the task screen wherein the task information comprises a digital image (See Figure 4B).
- k. Receiving inspection results from a user corresponding to one of the shipments of goods (See Figures 7B-D).

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19. McClelland discloses the use of sending and transmitting information, however fails to disclose the use of wireless communication. Moore discloses the use of field reader (figure 6), which is used at the border crossing and communicates using wireless communications (a product verification system that can be done at a border crossing, where at the verification side is a computer device, which communicates with the central system using wireless communications (See Column 24, lines 30-65, Column 26, lines 29-45). It would have been obvious to one having ordinary skill in the art to modify McClelland, to have the client computer be the field reader of Moore, in order to reduce the shipping of authentic goods to unauthorized points of final destination and to reduce the amount of contraband shipment (See Moore, Column 7).

20. With respect to Claims 13 and 32: McClelland discloses the task list is received during one or more wired synchronization procedures (Column 6, lines 1-23) through a second computer and a wireless communication. (See Moore, Column 25, lines 53-58)

21. With respect to Claims 14 and 23: McClelland discloses each task corresponds to a shipment of goods that is to be inspected (Column 10, lines 31-52).

22. With respect to Claims 15 and 24: Moore, discloses the field computer is equipped with a camera (reference numeral 94), which photographs the goods, then stores the image in memory and associates the image with identifying information on the goods (See Column 24, lines 36-54)

23. With respect to Claims 16 and 25: McClelland discloses the computer readable instructions further cause the device to send a communication to a device associated with an X-ray team based on inspection information (Column 4, lines 37-48).

24. With respect to Claims 17 and 26: McClelland discloses the computer readable instructions further cause the device to send a communication to one of a device associated with

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a customs inspector or a device associated with an import specialist based on inspection information (Column 11, lines 1-33).

25. With respect to Claims 18 and 27: Moore discloses the use of a plurality of field devices, which communicate with multiple host computers, therefore discloses the information is sent to a plurality of devices (Figure 1a, Column 25, line 53-58).

26. With respect to Claims 19 and 28: McClelland discloses the computer readable instructions further cause the computer/device to perform the steps of:

- l. Displaying a research tool in response to user input (Column 7, lines 13-27).
- m. Receiving research criteria input by the user, querying the search tool and displaying results (Column 11, lines 34-50);

27. With respect to Claim 20: McClelland and Moore, disclose the use of research tools, however fails to disclose the research tools displays news articles. It would have been an obvious matter of design choice to a person of ordinary skill in the art at the time the invention was made, to make the research tool, be a display of news articles, because Applicant has not disclosed that displaying news articles provides an advantage or is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the research tools taught by McClelland, due to the fact that they both provide secondary information to the user in order to inspect goods. Therefore, it would have been an obvious matter of design choice to modify McClelland, to obtain the invention in Claim 20.

28. With respect to Claims 21 and 29: McClelland discloses the research tool comprises an inspection look up function (Column 6, line 63 to Column 7, line 12).

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29. With respect to Claim 30: McClelland discloses the research tool displays reports of trends of imported goods (Column 6, line 63 to Column 7 line 12).

30. With respect to Claim 33: McClelland discloses the use of a task list, however fails to disclose the list comprising an importer name, a risk level, and a commodity name for each task. However, the specific type of information on the task list is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The displaying steps and inspecting steps would be performed the same regardless of what type of information is in the task summary. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify McClelland to obtain the invention in Claim 33.

31. With respect to Claim 34: Moore discloses the use of wireless communications Column 26, lines 29-45.

32. With respect to Claim 35: McClelland discloses a computer or a portable device (312) comprising:

- n. A display screen (See 312, with corresponding detailed description);
- o. A processing unit (Column 4, lines 60-64);
- p. Memory for storing computer readable instructions that, when executed by the processor, cause the portable device to perform the steps of:
 - i. Receiving a task list from a central database (Column 12, lines 12-41), wherein each task corresponds to a shipment of goods (Column 10, lines 31-52);

ii. McClelland discloses the use of a task list, (queue, Column 10, lines 31-52), however fails to disclose the list comprising an importer name, a risk level, and a commodity name for each task. However, the specific type of information on the task list is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The displaying steps and inspecting steps would be performed the same regardless of what type of information is in the task summary. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify McClelland to obtain the invention in Claim 35.

iii. Displaying task information on the task screen task information comprises information associated with a shipment of goods corresponding to the task (Column 10, lines 31-52).

iv. Receiving inspection results from a user corresponding to one of the shipments of goods (Column 3, lines 1-17); and

v. Transmitting the inspection results to clear the shipment for passage (Column 4, lines 1-5 and Column 5, lines 9-16).

33. With respect to Claim 36: McClelland discloses the use of analysis reports displayed on the screen (See Figure 3, Reports)

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34. With respect to Claim 37: McClelland discloses the computer readable instruction further cause the computer to perform the steps of:

q. Displaying an inspection look up box on the display screen, wherein the user enters a selected date, a list of inspections corresponding to that date is displayed on the screen (See Figures 4A, B and 9).

35. With respect to Claims 40 and 41: McClelland discloses the use of a computer comprising:

r. A processor (Column 4, lines 60-64);

s. Memory for storing a computer readable instructions (the examiner considers to be computer readable medium) that cause the computer to perform the steps of:

t. Sending task list to a portable device, wherein each task corresponds to a shipment of goods (Column 10, lines 31-52);

u. Receiving inspection results from the portable device, wherein the inspection results correspond to one of the shipments of goods in the task list (Column 4, lines 1-5 and Column 5, lines 9-16);

v. Clearing the shipment of goods into a country based on the received inspection results (See McClelland, Column 6, lines 51-67).

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (US 2003/0023469) discloses the use of a system for controlling cargo.

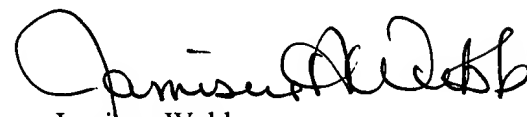
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811.

The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jamisue Webb", is positioned above the printed name.

Jamisue Webb
Patent Examiner
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